

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

**Clerk's Minutes**

**Before the Honorable Chief Judge William P. Johnson**

**Case No.:** CR18-2945 WJ

**Date:** 3/29/2023

**Parties:** USA v. Hujrah Wahhaj

**Courtroom Clerk/Law Clerk:** R. Garcia/Emily Franke and Jena Ritchey

**Court Reporter:** M. Loughran

**Interpreter:** N/A

**Type of Proceeding:** Hearing on Defendant's Motion to Proceed Pro Se (Doc. 682).

**Place of Court:** Albuquerque

**Total time in Court:** 20 minutes

**Evidentiary Hearing:** NO

**Attorneys Present for Plaintiff(s):**  
Kimberly Brawley and Jackson Hall

**Attorneys Present for Defendant(s):**  
Marshall Ray and Donald Kochersberger

**Proceedings:**

11:00 Court in session; counsel enter appearances; Defendant present.

The Court takes-up Defendant's Motion to Proceed Pro Se; Court notes portions of this hearing will have to be ex parte in order to discuss matters with the Defendant and his counsel.

Ms. Brawley takes no positions re Defendant's motion; would be opposed to appointment of new counsel at this late date; if all the necessary factors can be satisfied, the Government will not object to Defendant proceeding pro se.

Mr. Ray notes we can move into ex parte session knowing the Government takes no position and will have no objection, upon satisfaction of the factors, to Ms. Wahhaj proceeding pro se; before that, the Court will cover a few matters with both parties present.

The Court addresses the Defendant in regard to proceeding pro se; advises her of her constitutional right to counsel, confirms educational background and lack of education and training in the law; notes the Court

can't assist her or give her legal advice; that funds are not available to assist her in her defense; that her ability to prepare defense will be severely limited due to incarceration; notes lack of training in rules and procedures of the Court; advises she will be going up against experienced prosecutors; Court strongly recommends that she not proceed pro se.

Mr. Brawley summarizes charges and potential penalties the Defendant faces; Defendant understands charges and potential penalties.

Mr. Brawley addresses additional factors the Court may need to address; Mr. Ray notes those may be addressed in ex parte session; Court asks the Defendant if she understand there may be possible defenses to the crimes she is charged with and the Court can't assist in that regard and that she may not be able to effectively present any defenses due to her lack of knowledge of criminal procedure and rules of evidence; Defendant understands; Court inquires if that concerns her; Defendant states, no; Court asks why it does not concern her; Defendant would rather not speak to that now.

The Court notes this case needs to go to trial and is set in September; advises the Defendant that additional time can't be provide because she wishes to proceed pro se; the Court will not grant any continuance of the trial date; Defendant understands.

The Court asks Mr. Brawley if there are any more questions the Government would like the Court to ask while it is present? Ms. Brawley has nothing more.

11:20 Court clears courtroom and moves into ex parte session.